

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2003-327-C - ORDER NO. 2004-499  
OCTOBER 14, 2004

IN RE: Continued Availability of Unbundled High	)	ORDER GRANTING
Capacity Loops at Certain Locations and	)	MOTION TO REQUIRE
Unbundled High Capacity Transport on	)	DISCLOSURE OF
Certain Routes Pursuant to the FCC's	)	CERTAIN
Triennial Review Order	)	INFORMATION

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Motion to Require BellSouth Telecommunications, Inc. ("BellSouth") to Disclose Certain Information filed by the Competitive Carriers of the South ("CompSouth").

On January 14, 2004, CompSouth served its First Set of Interrogatories on BellSouth. On January 27, 2004, BellSouth submitted its Objections to CompSouth's First Set of Interrogatories. On February 13, 2004, BellSouth submitted its Responses to CompSouth's interrogatories. In its objections and responses, BellSouth objects to providing certain information responsive to the interrogatories on the grounds that the information constitutes customer proprietary information ("CPNI")<sup>1</sup>. BellSouth explains

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<sup>1</sup> CPNI includes information pertaining to the "quantity, technical configuration, type, destination, and amount of use of a telecommunications service subscribed to by a customer of a telecommunications carrier, and is made available to the carrier solely by virtue of the carrier-customer relationship." 47 U.S.C. §22(h)(1)(A). CPNI also includes "information contained in the bills pertaining to a telephone exchange service or telephone toll service by a customer of a carrier." 27 U.S.C. § 222(h)(1)(B).

that under the rules of the FCC, BellSouth is restricted from disclosing such information absent an order from this Commission.

In an attempt to resolve this matter, CompSouth and BellSouth have discussed conditions under which BellSouth would agree to provide the requested information. BellSouth, through counsel, has indicated that, subject to its right to lodge other appropriate discovery objections, BellSouth would provide the requested information pursuant to an Order of the Commission directing that such information be disclosed with appropriate conditions to protect the confidential nature of the information being disclosed.

Upon consideration of CompSouth's Motion and the explanation accompanying the Motion, the Commission grants CompSouth's Motion for disclosure of certain information which BellSouth considers to be CPNI. However, in granting CompSouth's Motion, the Commission rules as follows: BellSouth is directed to disclose the information requested by CompSouth in CompSouth's First Set of Interrogatories to BellSouth, subject to the full protections of the Confidentiality Agreement executed between CompSouth and BellSouth and subject to BellSouth's right to lodge other appropriate discovery objections.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/  
Randy Mitchell, Chairman

ATTEST:

/s/  
G. O'Neal Hamilton, Vice Chairman

(SEAL)